

From: [Bryan Tyson](#)
To: [Robert McGuire](#); [Vincent Russo <vrusso@robbinsfirm.com>](#); [Josh Belinfante](#); [Carey Miller](#); [Cheryl Ringer](#); [David Lowman](#)
Cc: [David D. Cross - Morrison & Foerster LLP \(dcross@mofo.com\)](#); [Bruce Brown](#); [Russ Abney](#); [Cary Ichter](#)
Subject: RE: Request regarding AEO access to certain materials for Marilyn Marks
Date: Tuesday, October 4, 2022 6:09:21 AM

EXHIBIT**1**

Rob,

For the State Defendants, we oppose granting Ms. Marks the ability to review AEO material related to Coffee County.

Thanks,

Bryan



Bryan P. Tyson

Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339

P: 678.336.7249 | M: 404.219.3160 | btyson@taylorenghish.com

[Website](#) | [LinkedIn](#) | [Twitter](#)

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From: Robert McGuire <ram@lawram.com>

Sent: Monday, October 3, 2022 7:20 PM

To: Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>
 <vrusso@robbinsfirm.com>; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Carey Miller
 <carey.miller@robbinsfirm.com>; Cheryl Ringer <cheryl.ringer@fultoncountyga.gov>; David Lowman
 <david.lowman@fultoncountyga.gov>

Cc: David D. Cross - Morrison & Foerster LLP (dcross@mofo.com) <dcross@mofo.com>; Bruce Brown
 <bbrown@brucepbrownlaw.com>; Russ Abney <russ@abney.us>; Cary Ichter <cichter@ichterdavis.com>

Subject: Request regarding AEO access to certain materials for Marilyn Marks

Bryan and Vincent,

Coalition Plaintiffs' legal team needs to utilize Marilyn Marks to assist in our review of all Coffee County-related discovery documents (with the exception of copies of EMS-type files). To be clear, Marilyn would not receive copies of the Coffee EMS or ICC files that Kevin Skoglund and Alex Halderman are reviewing. Our attorneys need her assistance, subject matter knowledge, and expertise. Her role would be essentially that of a consulting expert/senior paralegal.

To the extent Coffee County-related materials fitting the above description have been designated as AEO by the State, would your side please stipulate to removing the AEO designation to the limited extent necessary to allow Marilyn to view and be informed about (only) such AEO materials in her capacity as an essential part of our legal team? This will permit Coalition's lawyers to complete the remaining discovery without undue cost, delays, and attendant prejudice.

We ask for this stipulation to extend only to these specific materials, and we would not apply it to

other AEO material produced previously in the case. (Note that we reserve all our rights to seek withdrawal of any inappropriate AEO designations.) Marilyn will continue to be bound by the protective order just like all the lawyers and their staff are. She will treat this subset of discovery material in all respects as AEO under the protective order, just as if she were a paralegal with one of our firms or a formally retained consulting expert. She will only access the materials for purposes of aiding our legal team in the case, and for no other purpose. She will observe all requirements that already govern how we as the legal team handle AEO, including keeping it segregated and preserving it as AEO.

Please let me know if your side would be willing to accommodate us on this with this stipulation, which we feel is a reasonable request. We will make a motion requesting this relief, if necessary, but hopefully we can simply agree. Please let me know. Thank you.

Best,
Robert McGuire

ROBERT A. MCGUIRE, III

SHAREHOLDER | THE ROBERT MCGUIRE LAW FIRM

1624 MARKET ST STE 226 #86685, DENVER, CO 80202-2523 | 113 CHERRY ST #86685, SEATTLE, WA 98104-2205

E: ram@lawram.com | T/F: 720.420.1395 | T/F: 253.267.8530 | www.lawram.com

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